IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 33856 of 2005(E)

PETITIONER:

A. ABDUL AZEEZ, AGED 58 YEARS,
S/O. SRI.K.K. ABDUL AZEEZ, FOUZIA MANZIL,
PURACKELIL PARAMBU, NETTOOR P.O., ERNAKULAM.
(EX. ASSISTANT ENGINEER, P.H.(MECHANICAL)DIVISION,
KERALA WATER AUTHORITY, NETTOOR).

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR
SRI.K.KRISHNANKUTTY NAYAR

RESPONDENTS:

KERALA WATER AUTHORITY,
REPRESENTED BY THE MANAGING DIRECTOR,JALABHAVAN,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.BABU VARGHESE, SC, KWA
SRI.J.KRISHNA KUMAR, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- THE TRUE COPY OF THE LETTER NO.KWA/AO (Estt)/ Pen 4352/Com 2789/6209 DATED 5.11.2003 ISSUED BY THE FINANCE MANAGER AND CHIEF ACCOUNTS OFFICER, KERALA WATER AUTHORITY

EXT.P2- THE TRUE COPY OF THE LETTER NO.KWA/AO/Estt/Pen 4352/4128 DATED 28.6.05 ISSUED BY THE ACCOUNTS OFFICER, KERALA WATER AUTHORITY ADDRESSED TO THE SUPERINTENDING ENGINEER, P.H.CIRCLE, MUVATTUPUZHA

(TRUE COPY)

P.A TO JUDGE

V.GIRI, J

W.P.(C). 33856/2005

Dated this the 3rd day of October, 2007

JUDGMENT

Petitioner retired as Assistant Engineer from the Water Authority on 31.3.2003. According to him, he has approved qualifying service of 33 years entitling him to full pension and maximum retirement benefits. Petitioner is receiving pension which is due and admissible. The dispute is only with regard to the D.C.R.G payable to the petitioner.

Respondents have filed counter affidavit inter alia contending that there are certain amounts recoverable from the petitioner. After the matter was heard for sometime, the learned Standing Counsel for Water Authority was directed to get instructions as to whether the petitioner's liability has been fixed and intimated to the petitioner. It is submitted that the liability is yet to be fixed finally. It may be noted that the petitioner retired on 31.3.2003. Therefore, it is more than three years since his retirement. Provisions of KSR are applicable.

In the circumstances, this writ petition is disposed of directing the first respondent to disburse the D.C.R.G due and admissible to the petitioner within one month from the date of receipt of a copy of this judgment.

It is made clear that this judgment will not stand in the way of the respondent taking appropriate steps to recover any amounts, otherwise found due and admissible, from the petitioner in accordance with law.

V.GIRI
Judge

mrcs